

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JEFFREY F. and DONNA LAWRENCE *
Plaintiffs *
v. *
THE "IMAGINE...!" YACHT, LLC, et al * CIVIL ACTION
Defendants NO. RDB-02-CV-3224
* * * * * * * *
THE "IMAGINE...!" YACHT, LLC, et al *
Third-Party Plaintiffs *
v. *
SHER & BLACKWELL, LLP *
Third-Party Defendant *
* * * * * * * * * * * *

OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
PARTIAL MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Plaintiffs, Jeffrey F. and Donna Lawrence, by and through their counsel Murray I. Resnick, Prabir Chakrabarty and Resnick & Abraham, L.L.C., and hereby files this Opposition to Defendant, Latitude 38 LLC D/B/A Annapolis Bay Charters' (hereinafter referred to as "Annapolis Bay Charters") Motion for Summary Judgment, and Defendant The "IMAGINE...!" Yacht, LLC's Partial Motion for Summary Judgment (hereinafter "Imagine Yacht") and as reasons therefore, state as follows:

1. Summary Judgment is inappropriate in the present case because there is a dispute of fact about the relationship between Annapolis Bay Charters and the schooner "IMAGINE" ("IMAGINE") owned by Imagine Yacht.
2. As a manager for Imagine Yacht, Defendant Annapolis Bay Charters owed Plaintiffs Jeffrey and Donna Lawrence a duty of care at least to see that the vessel was properly and sufficiently manned by individuals who were competent and adequately trained, experienced, supervised and equipped for the task at hand.
3. Defendant Annapolis Bay Charters breached this duty by failing to warn Jeffrey Lawrence that the crewmembers of the IMAGINE would fire or discharge an explosive device in close proximity to the passengers.
4. Finally, both Defendants violated Md. Code, Natural Resources Article, § 8-725.4, and its corollary COMAR 08.18.03.03 (2004) et. seq. and Plaintiffs are entitled to proceed with their private cause of action for damages.

WHEREFORE, for the foregoing reasons, Plaintiff Jeffrey Lawrence requests that Defendants' Motions for Summary Judgment and Partial Motion for Summary Judgment be denied.

/s/
Prabir Chakrabarty

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 2004, a copy of the foregoing Opposition to Motion for Summary Judgment and Partial Summary Judgment, was served via e-filing and/or mailed, first class, postage prepaid to David W. Skeen, Esquire, Wright, Constable & Skeen, L.L.P., One Charles Center, 16th Floor, 100 N. Charles Street, Baltimore, Maryland 21201-3812, Attorneys for Defendant and Third-Party Plaintiff.

/s/
Prabir Chakrabarty